

MISC.CIVIL APPLICATION NO. 161 OF 1987.

Date of decision: 27.11.1995

For approval and signature

The Honourable Mr. Justice S.M. Soni

and

The Honourable Mr. Justice R. R. Jain

Mr. D.S. Vasavada, advocate for petitioner.

Mr. A.J. Patel, advocate for respondent No.1.

1. Whether Reporters of Local Papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Coram: S.M. Soni & R.R. Jain, JJ.

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November 27, 1995.

Oral judgment (Per Soni, J.)

This court has in Misc. Civil Application No.460/90 has held that alternative remedy is available if there is non-compliance of the order under the Bombay Industrial Relations Act. In view of the same, we would not like to exercise our discretion in this case also as the application is arising from the alleged breach of the order passed under BIR Act. Moreover, the Supreme Court in the case of the Alahar Co-operative Credit Service Society v. Sham Lal, reported in 1995 (2) GLH 550 has

held that contempt proceeding is not a substitute for execution. In our opinion, the court should not exercise its contempt jurisdiction so lightly. In our opinion, therefore, the petition is not maintainable and hence it deserves to be dismissed. Hence, the petition is dismissed. Rule discharged. No order as to costs.